

November 1, 2019

MEMORANDUM

TO: Dr. Noelle Gabriel, Board Chair
Mr. Carlos J. Clanton, Board Vice Chair
Ms. Lauren Campsen, Board Member
Mrs. Adale Martin, Board Member
Ms. Christine Smith, Board Member
Dr. Sharon Byrdsong, Acting Superintendent

FROM: Ms. Tanya Bhasin, Board Member
Mr. Rodney Jordan, Board Member

COPIES: Mr. Jack Cloud, School Board, Attorney
Ms. Sara Gregory, Reporter, The Virginian-Pilot
Citizens of Norfolk

SUBJECT: Follow-up re: October 30, 2019, Special School Board Meeting

We are going to uphold what we believe is our oath of office and the public service contract we asked to enter into with the citizens of Norfolk. Based upon the information we have reviewed concerning the part-time employment of a board member's brother-in-law, we will not knowingly mislead the public as school board members and then be a part of any public perception of covering it up.

On September 5, 2019, NPS received the following inquiry from Virginia Pilot reporter Sara Gregory, "Is Nate Kinnison employed by the district? If he is an employee, could I get his position, job classification and salary/rate of pay?" Following limited board and administration discussion with legal counsel, on September 13, 2019, a majority of the board and administration approved a response that included the following statements:

"Mr. Kinnison is not an employee of the Norfolk Public Schools. He has off and on for the past few years voluntarily and without pay provided services to the NPS Fine Arts Department in connection with its Strolling Silver Strings and All City Jazz programs."

"Mr. Kinnison has applied for part-time employment with the Norfolk Public Schools. Because he is the brother-in-law of a school board member, Dr. Noelle Gabriel, before a hiring decision can be finalized, certain certifications must be provided to the full board both by Dr. Gabriel and the superintendent, Dr. Byrdsong, that neither Dr. Gabriel nor any other school board member has had any involvement in the hiring. This is required by the Virginia Conflicts of Interest Act, Section 2.2-3119 of the Virginia Code (there is also a

School Board policy to this effect). Pending presentation of these certifications and action by the Board, Mr. Kinnison has continued to volunteer his services to the Norfolk Public Schools.”

Please note, given Mr. Kinnison’s background and experiences, one may surmise that he is qualified to hold the part-time position of Director of the NPS Jazz Band, the position for which he was being considered.

As the board was polled by Attorney Jack Cloud for approval of the September 13 response to the Pilot, we raised objection to the response. Our concerns centered around not having all of the facts to substantiate the details provided in the response to Sara Gregory. A written report and timeline were requested of the school administration in multiple correspondences with no written response provided to date. Additionally, Ms. Smith requested an independent audit. Unable to receive board or administration support for a more thorough review, we (Bhasin and Jordan) requested to receive an unredacted version of redacted documents provided to Sara Gregory in response to her inquiry. On October 16, 2019, we received a hard copy of the unredacted documents. Missing from the hard copy were pertinent email attachments. After contacting Attorney Cloud and NPS I.T. Department, the full materials with attachments were placed on a thumb drive and provided to us. We began reviewing the full set of documents on October 17.

The documents we reviewed appeared to conflict with the September 13 statement issued to the press and public as well as the closed session Board discussions held on September 11 and September 18. Documents and email messages we reviewed appear to indicate Mr. Kinnison was hired as the part-time Director of the NPS Jazz Band during the July/August 2019 time period. Documents appear to indicate he was reference checked, cleared for employment, issued an ID badge, completed appropriate paperwork, and at some point, completed and submitted a Part-Time Employee Data Form. The documentation appears to show standard steps for any part-time employee were taken and supports Mr. Kinnison followed all the appropriate steps to fill a part-time employment position for which he was deemed qualified. (See redacted sampling of documentation below which we believe complies with Virginia Code Section 2.2-3705.1 and aligns with personnel information provided to Sara Gregory within the September 13th response.)

Faced with the new information and considering the importance of public trust, three members of the Board (Bhasin, Smith, and Jordan) called a Special Meeting to seek clarity of previous statements and information shared versus the new information we reviewed. We requested a closed session in keeping with previous board discussions of the matter. We requested the Special Meeting, in part, because efforts to have a thorough review and to receive full reporting to substantiate statements to the public were unheeded. Additionally, we were uncertain whether we were in the midst of another instance where some board members were receiving information and legal counsel and possibly taking action or inaction harmful to the board as a whole and the school division.

Under the Virginia Conflicts of Interest Act, Section 2.2-3119 of the Virginia Code and the board policy Attorney Cloud referenced in the September 13 statement to the public, certain certification and disclosure requirements are the responsibility of board members and the superintendent. The burden does not fall on the prospective employee. The documents we received suggest NPS did consider Mr. Kinnison a part-time employee at least through mid-August. If our review of the documents is correct, the board and the superintendent with wise legal counsel could have chosen to admit a failure to make the appropriate superintendent and board member certifications prior to employment, rescind the employment, make the public superintendent and board member certifications, and take a public vote.

Our board of recent gives special attention to the governing concept of “the will of the board.” Indeed “the will of the board” is central to our work, but be reminded “the will of the board” is somewhat short-hand in our view for “the will of the board in the best interests of NPS children and staff supported by upholding one’s oath, governed by policy, informed by facts, and undergirded by service to the public.”

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: Jazz Band- Nathaniel Kinnison
Date: Tuesday, July 30, 2019 4:24:00 PM

July 1

Sent from my iPhone

On Jul 30, 2019, at 3:36 PM, [REDACTED] <[\[REDACTED\]@nps.k12.va.us](mailto:[REDACTED]@nps.k12.va.us)> wrote:

[REDACTED]

What is the start date for Mr. Kinnison.

Respectfully,

[REDACTED]

From: [REDACTED] <[\[REDACTED\]@nps.k12.va.us](mailto:[REDACTED]@nps.k12.va.us)>
Sent: Tuesday, July 30, 2019 2:44 PM
To: [REDACTED] <[\[REDACTED\]@nps.k12.va.us](mailto:[REDACTED]@nps.k12.va.us)>
Cc: [REDACTED] <[\[REDACTED\]@nps.k12.va.us](mailto:[REDACTED]@nps.k12.va.us)>
Subject: Re: Jazz Band- Nathaniel Kinnison

Thank you.

Sent from my iPhone

On Jul 30, 2019, at 2:42 PM, [REDACTED] wrote:

[REDACTED]

Mr. Nathaniel Kinnison cleared for employment.

Respectfully,

[REDACTED]

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Link to Music ED page on NPS web
Date: Thursday, August 15, 2019 11:54:23 AM
Attachments: [Outlook-effldao0.png](#)

Hi [REDACTED]

Can you add the following link and names to our NPS Music Page for the NPS All City Jazz Band

.

Remove [REDACTED] and the old phone number please as well.

www.npsjazz.org

Nathaniel G. Kinnison, Director

[REDACTED] Assistant Director

[REDACTED]